

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAY L. LINEWEBER,

Defendant.

4:13CR3135

ORDER

The defendant has filed a motion for discovery. (Filing No. 50). The government opposes the motion, stating it is untimely, overbroad, and seeks irrelevant information.

The defendant is charged with embezzling funds from the Nebraska State Legislative Board 30 of the United Transportation Union, was a labor organization subject to the Labor Management Reporting and Disclosure Act of 1959, Title 29, U.S.C. § 401 et. seq., and with making false reports and record entries with respect to those funds. The defendant's discovery motion demands copies of all "external and internal written communications, correspondence, letters, memos, notes, and e-mails identifying, referencing, regarding, addressing, and/or mentioning the Defendant herein, or the Nebraska State Legislative Board, which originated, or were authored, generated, disseminated to third-parties or others, exchanged by and between, and/or within" the Federal Railroad Administration (FRA); the U.S. Department of Transportation (DOT); the U.S. Department of Labor (DOL); the United Transportation Union (UTU); the Sheet Metal Workers Rail Transportation (SMART); and BNSF Railway Company. (Filing No. 50).

The defendant has not shown with any specificity how the requested records may be material to Lineweber's defense against the charges. And Defendant's patently overbroad discovery motion was filed more than seven months after the pretrial motion

deadline expired and only two weeks prior to trial. For all of these reasons, the defendant's motion will be denied.

IT IS ORDERED:

- 1) The defendant's motion for discovery, (Filing No. 50), is denied.
- 2) Trial remains set to begin on January 20, 2015.

January 6, 2015.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge